

January 29, 2002

DIRECTOR'S MEMORANDUM NO. 12-02

MEMORANDUM FOR: REGIONAL ADMINISTRATORS AND DIRECTORS FOR  
VETERANS' EMPLOYMENT AND TRAINING

FROM: STANLEY A. SEIDEL [signed]  
Director, Operations and Programs

SUBJECT: Clarification of Veterans' Preference (VP) Entitlement for Federal  
Civil Service Annuitants/Federal Civil Service Status Employees

REFERENCE: 5 U.S.C. 2108

**PURPOSE:** To clarify for Veterans' Employment and Training (VETS) investigative staff how and when veterans' preference applies to civil service employees and annuitants.

**BACKGROUND:** VETS National Office recently received an inquiry regarding a veterans' preference complaint investigation completed in late 2000 received from a Federal civil service annuitant who had applied for a Federal vacancy open to all sources. Although the complaint was properly closed without merit, having been filed two years after the alleged violation, the response letter provided by the VETS investigator included a fact incorrectly indicating that the complainant was not eligible for veterans' preference in reemployment due to the person's status as a civil service annuitant (i.e., a retired Federal employee). In addition, we have received several inquiries regarding the application of veterans' preference for Federal employees with civil service status when applying for vacancies under an open competitive announcement.

**GUIDANCE:** By statute, veterans' preference is a "lifetime entitlement." A retired Federal civil service employee who is otherwise eligible for veterans' preference continues to be eligible for the entitlement when applying for a Federal civil service position under an open competitive announcement.

Please note that the Office of Personnel Management (OPM) requires agencies to establish their

own policies on how they will handle applications, and to post these procedures (usually done within the vacancy announcement itself). This means that an agency should specify how it will handle a candidate with civil service status who submits a single application for a position open to "all sources." The individual could be considered under either agency Merit Promotion procedures or through an open competitive examination, or both. If the individual is considered under open competitive procedures, veterans' preference applies. Thus, it is extremely important that status candidates carefully read vacancy announcements and follow the instructions therein - particularly if it requires them to submit more than one application to be considered under multiple sources.

Veterans' preference has been confused on many occasions with the access entitlement authorized in the Veterans' Employment Opportunities Act (VEOA) of 1998. OPM has provided guidance that the VEOA was intended to allow veterans who would otherwise be excluded from consideration because an agency was recruiting only from among "status" candidates, to apply for positions under agency Merit Promotion procedures as a "status" candidate. This access provision is intended to be used only for initial entry into the Federal civil service system.

**ACTION:** Regional Administrators ensure that all assigned investigative staff are aware of the guidance in this DM.

**INQUIRIES:** Any questions concerning this DM should be directed to Pat Harvey at (202) 693-4728 or e-mail at [harvey-patrick@dol.gov](mailto:harvey-patrick@dol.gov).

Expiration date: None